

**FILED**

May 17, 2023

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

BY: PT  
DEPUTY

**JORGE L. QUINTANA SR.,**

**Plaintiff,**

**v.**

**RAYMOND RAMOS, MARIA C.  
RAMOS, PHILIP T. SCHARPER,  
FAZEELA MOHAMMED-  
SCHARPER, STEWART TITLE  
COMPANY,**

**Defendants.**

**CIVIL NO. SA:22-CV-00706-OLG**

**ORDER**

This case is before the Court on various pending motions<sup>1</sup> and Plaintiff Jorge Quintana Sr.'s Amended Complaint. (*See* Dkt. Nos. 13, 22, 27, 32, 33, 57.) Pursuant to Local Rule CV-72 and Appendix C to the Local Rules, this action was referred for disposition of all pretrial matters to United States Magistrate Judge Richard B. Farrer, who has issued a Report and Recommendation (R&R) with respect to Plaintiff's Amended Complaint. (*See* Dkt. No. 55.) Specifically, the R&R recommends that Plaintiff's Amended Complaint be dismissed pursuant to 28 U.S.C. § 1915(e) and all claims against all defendants be dismissed without prejudice. (*Id.*) Plaintiff timely filed his objections to the R&R. (Dkt. No. 58.)

When a party objects to a magistrate judge's recommendation, the Court must make a de novo determination as to those portions of the recommendation to which an objection is made. *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b);

---

<sup>1</sup>Plaintiff's motions for entry of default (Dkt. Nos. 13, 33) against the Ramos Defendants; the Ramos Defendants' Motion for Relief in Opposition to Default (Dkt. No. 27); Plaintiff's Motion for Default Judgment (Dkt. No. 32) against the Ramos Defendants; and Plaintiff's Motion for Leave to File an amended complaint (Dkt. No. 57).

*but see Battle v. U.S. Parole Com'n*, 834 F.2d 419, 421 (5th Cir. 1987) (“Frivolous, conclusive, or general objections need not be considered by the district court.”).

On April 25, Plaintiff moved for leave to file an amended complaint. (*See* Dkt. No. 57.) He then filed his objections to the R&R on April 26, asserting that his motion for leave to amend renders the R&R moot. (Dkt. No. 58, at 1.) The Court finds that Plaintiff’s objections are without merit and, regardless, that his motion for leave to amend (Dkt. No. 57) should be denied. Further, the Court has conducted an independent review of the record and the applicable law and finds that Judge Farrer’s recommendation is in all things correct and should be accepted.

It is therefore **ORDERED** that Magistrate Judge Farrer’s Report and Recommendation (Dkt. No. 55) is **ACCEPTED**. It is further **ORDERED** that, for the reasons stated in the R&R, all claims asserted in Plaintiff Jorge Quintana Sr.’s Amended Complaint (Dkt. No. 22) are **DISMISSED WITHOUT PREJUDICE**.

It is further **ORDERED** that Plaintiff’s Motion for Leave to File an amended complaint (Dkt. No. 57) is **DENIED**.

It is further **ORDERED** that all other pending motions in this matter (Dkt. Nos. 13, 27, 32, 33) are **DENIED AS MOOT**.

This case is **CLOSED**.

It is so **ORDERED**.

**SIGNED** this 17th day of May, 2023.



---

ORLANDO L. GARCIA  
United States District Judge